

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CORTEZ WILLIE SHIELDS,

Plaintiff,

v.

ORDER

BRITTANY B. KOCH and “TONY,”¹

17-cv-266-wmc

Defendants.

The court granted *pro se* plaintiff Cortez Willie Shields leave to proceed on a claim that “Sarah L., Lt. Tony, Sarah April and BBK,” all employees of the Dane County Jail, violated his constitutional rights by requiring him to talk about his mental health needs through a food slot within earshot of other inmates. The court directed the U.S. Marshals to serve those four defendants, and they successfully served defendant BBK, who is now identified as Brittany B. Koch, and another Dane County Jail employee, Lt. Tony (dkt. ##18, 19), but were unable to serve Sarah April or Sarah L. because the jail’s mental health department has never employed a person of either name (dkt. #20). In a prior order, the court denied plaintiff leave to proceed against any additional individuals named in his amended complaint and also directed him to identify Sarah April or Sarah L. by November 22, 2019. (10/16/19 Order (dkt. #30).)

Instead of responding with identifying information for Sarah April or Sarah L., plaintiff filed a purported amended complaint clarifying that “Tony” is a mental health staff member and not the “Lt. Tony” who was served with the complaint. Defendant

¹ The clerk’s office is directed to amend the names on the docket of these two defendants as reflected in this caption.

“Tony,” however, has not been identified and has not been served with the complaint. The court will amend the caption to reflect that the name of this defendant is simply “Tony,” last name unknown, rather than Lt. Tony. If plaintiff wishes to proceed against Tony, Shields should prepare and serve discovery requests on defendants to identify accurately “Tony.” Plaintiff’s deadline for identifying defendant Tony in an amended complaint is April 15, 2020.

As for Sarah April and Sarah L., the court provided plaintiff until November 29, 2019, to identify them, and he failed to meet this deadline. As such, the court will dismiss the claims against these two unidentified defendants. In his most recent amended complaint, Shields also reiterated his desire to name other individuals identified by their initials as defendants in this action on the basis that these individuals are also mental health employees with whom he interacted. Plaintiff, however, has failed to allege what these specific individuals did or did not do to address his mental health needs. As such, the court cannot permit him leave to proceed against these other individuals.

ORDER

IT IS ORDERED that:

- 1) Plaintiff Cortez Willie Shields is DENIED leave to proceed against any additional defendants described in his Amended Complaint filed October 30, 2019 (dkt. #32).
- 2) Unidentified defendants “Sarah April” and “Sarah L.” are DISMISSED from this lawsuit. The clerk’s office is directed to terminate them as defendants.

3) Plaintiff's deadline to identify defendant "Tony" in an amended complaint is extended to **April 15, 2020**.

Entered this 2nd day of March, 2020.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge